

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

**In re: CIRCUIT CITY STORES, INC., et al.,
Debtors.**

**Case No. 08-35653-KRH
Chapter 11
(Jointly Administered)**

**ALFRED H. SIEGEL, Trustee of the
Circuit City Stores, Inc. Liquidating Trust,**

Plaintiff,

v.

Adv. Pro. No. 19-03091-KRH

UNITED STATES TRUSTEE PROGRAM, et al.,

Defendants.

ORDER

Upon consideration of the *Defendants' Motion to Dismiss and Memorandum in Support* [ECF No. 45] (the "Motion to Dismiss") filed in the above-captioned consolidated adversary proceedings, the Court having reviewed the pleadings and having considered the arguments of counsel at the hearing conducted on November 15, 2022, for the reasons set forth in the accompanying *Memorandum Opinion* entered substantially contemporaneously herewith, it is hereby

ORDERED, ADJUDGED, AND DECREED THAT:

1. The Motion to Dismiss is **DENIED**.
2. The Plaintiff is entitled to a refund in the amount of the portion of the quarterly U.S. Trustee fees paid that exceeded the amount the Plaintiff would have had to pay in a bankruptcy administrator district, inclusive of the first three quarters of calendar year 2018 (the "Unconstitutional Overpayment").

3. The Court will reconvene on **January 18, 2023, at 1:00 p.m.** the pre-trial conference that had been continued generally on the Court's docket (the "Pre-Trial Conference") in order to, among other things, schedule the trial of this matter. The Pre-Trial Conference shall be conducted **both** in-person and by Zoom for Government. Persons wishing to appear at the Hearing may participate by either, at their option, appearing in person at Judge Huennekens' Courtroom, 701 E. Broad St., Courtroom 5000, Richmond, Virginia, or registering in advance at: <https://www.zoomgov.com/meeting/register/vJlscuqtrzvGFfOxcvK4FseAfd9d5Q4fsg>

Dated: December 15, 2022

/s/ Kevin R. Huennekens

UNITED STATES BANKRUPTCY JUDGE

Entered on Docket: Dec 15 2022

Copies to:

Kathryn R. Montgomery
Office of the United States Trustee
701 East Broad Street, Ste. 4303
Richmond, VA 23219

Ramona D. Elliott
P. Matthew Sutko
Beth A. Levene
Department of Justice
Executive Office for United States Trustees
441 G Street, N.W., Suite 6150
Washington, DC 20530

Paula S. Beran
Lynn L. Tavenner
Tavenner & Beran, PLC
20 North Eighth Street, Second Floor
Richmond, VA 23219

Richard. M. Pachulski
Andrew W. Caine
Jeffrey N. Pomerantz
Pachulski Stang Ziehl & Jones LLP
10100 Santa Monica Boulevard, 13th Floor
Los Angeles, California 90067-4100

Robert J. Feinstein

Pachulski Stang Ziehl & Jones LLP
780 Third Avenue, 34th Floor
New York, New York 10017

Daniel L. Geyser

Haynes and Boone, LLP
2323 Victory Avenue, Ste. 700
Dallas, Texas 75219